

Members

Rep. Phil Hoy, Chairperson
Rep. Linda Lawson
Rep. Kathy Richardson
Rep. Eric Koch
Sen. Richard Bray, Vice-Chairperson
Sen. Joseph Zakas
Sen. John Broden
Sen. Timothy Lanane
Chief Justice Randall Shepard
Thomas Felts
David Whicker
Bill Overdeer
Ludy Watkins



COMMISSION ON COURTS

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Authority: IC 33-23-10

MEETING MINUTES¹

Meeting Date: September 11, 2007
Meeting Time: 1:30 P.M.
Meeting Place: State House, 200 W. Washington St.,
Room 431
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Rep. Eric Koch; Sen. Richard Bray, Vice-Chairperson; Sen. Timothy Lanane; Chief Justice Randall Shepard; Thomas Felts; David Whicker; Bill Overdeer; Ludy Watkins.

Members Absent: Rep. Phil Hoy, Chairperson; Rep. Linda Lawson; Rep. Kathy Richardson; Sen. Joseph Zakas; Sen. John Broden.

Sen. Richard Bray, Vice-Chairperson of the Commission on Courts (Commission), called the meeting to order at 1:32 P.M. Sen. Bray stated that Rep. Phil Hoy, Chairperson of the Commission, was ill and could not attend the meeting.

The first person to testify was Mary DePrez, Director and Counsel for Trial Court Technology for the Judicial Technology and Automation Committee (JTAC). Ms. DePrez stated JTAC was currently involved in developing a new electronic protective order registry. She said this registry would allow protective order information to be entered into the Indiana State Police Indiana Data and Communication System (IDACS) and the

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Federal Bureau of Investigation National Crime Information Center (NCIC) "before the petitioner leaves the court house."

Ms. DePrez stated this new protective order registry would be available in all counties in Indiana by the end of 2007. Ms. DePrez then demonstrated the registry for the Commission. (See <http://www.in.gov/judiciary/jtac/programs/poregistry.html> for the demonstration and more information.)

Ms. DePrez continued by stating JTAC was also helping to develop a new electronic traffic ticket system. She said more than 700,000 traffic tickets were written by hand in Indiana every year. She said this new electronic system would drastically reduce the amount of time state and local law enforcement officers now take to write tickets and would result in documents that were easier to read and understand. She also said the data from the tickets would be electronically transferred to all appropriate federal, state, and local agencies. Ms. DePrez said statewide deployment of the system would begin in the fall of 2007 and Indiana State Police officers should be issuing all their tickets using this system by the end of 2007.

Dave Steward from JTAC then demonstrated the electronic traffic ticket system for the Commission. (See <http://www.in.gov/judiciary/jtac/programs/ecws.html> for the demonstration and more information.)

In response to questions from Commission members concerning the electronic protective order registry, Ms. DePrez stated that the current written protective order form had been incorporated into the electronic form. She said the registry should work with any computer that had Internet access and was not more than six or seven years old. She also said there was currently no public access feature for the electronic registry.

In response to questions from Commission members concerning the electronic traffic ticket system, Mr. Steward said that to use the electronic system a law enforcement officer would have to have a scanner, a laptop computer, and a printer in the officer's car. Mr. Steward also stated that issuing traffic tickets electronically was not mandatory and manual entry will still be possible.

The next person to testify was Justice Frank Sullivan, Jr. of the Indiana Supreme Court, Chairperson of JTAC. Justice Sullivan stated the principal undertaking of JTAC was to develop and implement a "21st century case management system (CMS)" that would be electronically connected to all courts in Indiana.

Justice Sullivan said that, since the CMS project had begun, JTAC had "parted ways" with its initial vendor. However, he said the Supreme Court had entered into a contract this summer with Tyler Technologies to provide and implement its Odyssey software for the CMS project. He said he was happy with the working relationship between Tyler Technologies and JTAC.

Justice Sullivan continued by stating JTAC would start with CMS pilot projects in the Monroe Circuit Court and the Washington Township Small Claims Court in Marion County. He said one of the reasons the Washington Township Small Claims Court was selected was because more than 80,000 small claims cases are filed every year in Marion County.

Justice Sullivan said the next phase of the CMS project would be to expand to five additional pilot projects by mid 2009. He said that, after that, the CMS would be taken statewide.

Donna Edgar, Project Manager for JTAC, then demonstrated the CMS for the Commission. (For more information, see <http://www.in.gov/judiciary/jtac/cms/overview.html>.) Ms. Edgar stated the CMS contained features that would assist both courts and court clerks.

In response to questions from Commission members, Ms. Edgar stated the CMS could provide two different types of public access. She said one type could allow access to limited information without the use of a password and the other type could allow persons that have user names and passwords to access more information.

Justice Sullivan stated that who would get access to CMS information and how much information would be available were policy questions that still must be answered. He said he currently contemplated those questions would be answered by the Supreme Court. However, he said he would be grateful for any advice he could receive from the Commission and the General Assembly.

The Commission then discussed preliminary draft of legislation PD 3039 (Handout #1) concerning the removal of references to the Clerk of the Supreme Court in election-related statutes. (PD 3039 would remove references to the Clerk of the Supreme Court from statutes concerning compensation of elected officials and annual economic interest statements filed by judicial officers or candidates for judicial office who are subject to election or a retention vote.)

Chief Justice Shepard stated he felt this legislation was basically technical in nature and necessary since the Clerk was no longer a statewide elected official and is now appointed by the Chief Justice.

The Commission then discussed preliminary draft of legislation PD 3038 (See Handout #1) concerning expanding jurisdiction for the issuance of restricted driver's licenses because of hardship. (PD 3038 would amend IC 9-24-15-4 to provide that a petition for a hardship driving license may be filed in the circuit court or superior court of the county in which the petitioner resides instead of only in the circuit court or, if the driving license suspension is the result of a criminal action involving the petitioner, in the court in which the action is pending or was resolved.)

Judge Michael Witte of the Dearborn Superior Court then distributed a draft (Handout #2) of a slightly different amendment to IC 9-24-15-4 that also expanded jurisdiction for issuing these licenses. Judge Witte said current law grants exclusive jurisdiction to issue these licenses to circuit courts. He agreed that the statute needs to be amended to allow these licenses to be issued by a circuit, superior, or county court.

Judge Witte stated issues concerning these licenses needed to stay before the court administering any related criminal charges. He said this would also allow a sentencing court in cases involving operating a vehicle while intoxicated (OWI) to be aware of a preexisting hardship license when imposing a statutory license suspension upon a conviction for OWI.

Judge Witte also said the amendment would allow a sentencing court in an OWI case to stay informed of the status of any alcohol or drug treatment ordered by the court and prevent a convicted offender from receiving a sentence modification in a court other than the court that imposed the sentence on the offender.

The Commission then discussed preliminary draft of legislation PD 3040 (See Handout

#1) concerning Vanderburgh Superior Court magistrates. (PD 3040 would allow magistrates of the Vanderburgh Superior Court to enter final orders or judgments in proceedings involving the small claims docket or protective orders to prevent domestic or family violence.)

Timothy Tyler, Attorney for the Commission, stated Rep. Hoy wanted the Commission to consider this proposed legislation. Mr. Tyler said magistrates in Allen County and St. Joseph County currently have these powers.

The Commission then discussed their next meeting date. Mr. Tyler stated Rep. Hoy would like the Commission to consider requests for new courts and additional judges and magistrates for existing courts at the second meeting and, at a third meeting, study Indiana Rules of Court Trial Rule 60.5 (See Handout #1) concerning mandate of funds. Mr. Tyler stated the Legislative Council had charged the Commission with studying the historical use of Trial Rule 60.5 by courts, its effect on the budgets of civil units of government, and the expenses incurred by units in defending against these mandates.

Sen. Bray announced the next meeting of the Commission would occur on October 1, 2007, at 1 P.M.

Sen. Bray adjourned the meeting at 2:44 P.M.